In an effort to overcome this problem, a collaborative process was undertaken by the affected Boroughs and the State of Alaska to validate such dedications by separately conveying either easements or title to roads and utility easements to State and local governments. This was so burdensome, time-consuming and complex, the process had to be abandoned. The platting authorities and the State were so disenchanted by this process, they had no choice but to turn to Congress for relief. The common sense approach to solving this dilemma, is to afford the same considerations to Native landowners that others have. Native landowners must have the same authority to subdivide and dedicate their land as anyone else has the right to do, according to existing State law

By speeding up and simplifying the allotment subdivision process, the Native landowner, the Federal, State and local governments would all benefit. This legislation permits a Native landowner at his own option to abide by and receive the benefits of subdividing his land in accordance with State or local law. The uncertainty of whether officially filed allotment subdivision plats are valid would be removed. This legislation will also serve to authorize future allotment subdivisions, ratify and confirm the legal validity of those already created.

The Native landowner will not be deprived of any of the protections of restricted land status. This legislation will confirm the restricted Native landowners' right to act in his own best interest. The issue they face is a choice between being able to subdivide their land, obtain a much greater total compensation for sales of subdivided lots or continue to be unable to subdivide their land. Their only option will be to sell one large tract that will almost always bring a substantially smaller total amount of compensation.

The legislation I am introducing today is an issue that applies to Alaska only. The solution affects the Native Allotment Act of 1906, the same legislation which provides for Alaska Natives to receive title to up to 160 acres of public land.

This legislation is non-controversial and is beneficial to all affected parties and to the general public. The State of Alaska and local governments have urged such legislation. The Department of the Interior is supportive.

And, finally, passage of this legislation will be in the best interest of the Native allotment owners and the general public. I urge my colleagues to support this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Alaska Native Allotment Subdivision Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Alaska Natives that own land subject to Federal restrictions against alienation and taxation need to be able to subdivide the restricted land for the purposes of—

(A) transferring by gift, sale, or devise separate interests in the land; or

(B) severing, by mutual consent, tenancies in common;

(2) for the benefit of the Alaska Native restricted landowners, any persons to which the restricted land is transferred, and the public in general, the Alaska Native restricted landowners should be authorized to dedicate—

(A) rights-of-way for public access;

(B) easements for utility installation, use, and maintenance; and

(C) additional land for other public purposes;

(3)(A) the lack of an explicit authorization by Congress with respect to the subdivision and dedication of Alaska Native land that is subject to Federal restrictions has called into question whether such subdivision and dedication is legal; and

(B) this legal uncertainty has been detrimental to the rights of Alaska Native restricted landowners to use or dispose of the restricted land in the same manner as other landowners are able to use and dispose of land;

(4) extending to Alaska Native restricted land owners the same authority that other landowners have to subdivide and dedicate land should be accomplished without depriving the Alaska Native restricted landowners of any of the protections associated with restricted land status;

(5) confirming the right and authority of Alaska Native restricted land owners, subject to the approval of the Secretary of the Interior, to subdivide their land and to dedicate their interests in the restricted land, should be accomplished without affecting the laws relating to whether tribal governments or the State of Alaska (including political subdivisions of the State) have authority to regulate land use;

(6) Alaska Native restricted land owners, persons to which the restricted land is transferred, State and local platting authorities, and members of the general public have formed expectations in reliance on past subdivisions and dedications; and

(7) those expectations should be fulfilled by ratifying the validity under Federal law of the subdivisions and dedications.

SEC. 3. DEFINITIONS.

In this Act:

(1) RESTRICTED LAND.—The term ''restricted land'' means land in the State that is subject to Federal restrictions against alienation and taxation.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of Alaska.

SEC. 4. SUBDIVISION AND DEDICATION OF ALASKA NATIVE RESTRICTED LAND.

(a) IN GENERAL.—An Alaska Native owner of restricted land may, subject to the approval of the Secretary—

(1) subdivide the restricted land in accordance with the laws of the—

(A) State; or

(B) applicable local platting authority; and

(2) execute a certificate of ownership and dedication with respect to the restricted land subdivided under paragraph (1) with the same effect under State law as if the restricted land subdivided and dedicated were held by unrestricted fee simple title.

(b) RATIFICATION OF PRIOR SUBDIVISIONS AND DEDICATIONS.—Any subdivision or dedication of restricted land executed before the date of enactment this Act that has been approved by the Secretary and by the applicable State or local platting authority, as appropriate, is ratified and confirmed by Congress as of the date on which the Secretary approved the subdivision or dedication.

SEC. 5. EFFECT.

(a) IN GENERAL.—Nothing in this Act validates or invalidates any assertion—

(1) that a Federally recognized Alaska Native tribe has or lacks jurisdiction with respect to any land in the State;

(2) that Indian country (as defined in section 1151 of title 18, United States Code) exists or does not exist in the State; or

(3) that, except as provided in section 4, the State or any political subdivision of the State does or does not have the authority to regulate the use of any individually owned restricted land.

(b) EFFECT ON STATUS OF LAND NOT DEDICATED.—Except in a case in which a specific interest in restricted land is dedicated under section (4)(a)(2), nothing in this Act terminates, diminishes, or otherwise affects the continued existence and applicability of Federal restrictions against alienation and taxation on restricted land or interests in restricted land (including restricted land subdivided under section 4(a)(1)).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 197—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN STATE OF COLORADO V. CARRIE ANN HOPPES, ANDREW M. BENNETT, CHRISTOPHER J. FRIEDMAN, ANDREW JONATHAN TIRMAN, CAROLYN ELIZABETH BNINSKI, MELISSA NOELLE ROSSMAN, RACHAEL ESTHER KAPLAN

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 197

Whereas, in the cases of State of Colorado v. Carrie Ann Hoppes best friend, Andrew M. Bennett, Christopher J. Friedman, Andrew Jonathan Tirman, Carolyn Elizabeth Bninski, Melissa Noelle Rossman, Rachael Esther Kaplan, pending in the Arapahoe County Court, Colorado, testimony and documents have been requested from Arapahoe County Court, Colorado, testimony and documents have been requested from employees in the Office of Senator Wayne Allard:

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently

with the privileges of the Senate: Now, therefore, be it *Resolved* that employees of Senator Allard's office from whom testimony or the production of documents may be required are authorized to testify and produce documents in the cases of State of Colorado v. Carrie Ann Hoppes, Andrew M. Bennett, Christopher J. Friedman, Andrew Jonathan Tirman, Carolyn Elizabeth Bninski, Melissa Noelle Rossman, Rachael Esther Kaplan, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent employees of Senator Allard's office in connection with the testimony and document production authorized in section one of this resolution.

SENATE RESOLUTION 196—DESIGNATING DECEMBER 14, 2003, AS ''NATIONAL CHILDREN'S MEMORIAL DAY''

Mr. REID (for himself, Mr. KENNEDY, Mr. VOINOVICH, Mrs. CLINTON, Ms. CANTWELL, Mr. BREAUX, Mrs. MURRAY, Mr. HOLLINGS, Mr. INOUYE, Mr. LEVIN, Mr. BINGAMAN, Mr. ALLEN, Ms. MURKOWSKI, Ms. COLLINS, Mr. AKAKA, Mrs. HUTCHISON, and Mrs. LINCOLN) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 196

Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from a myriad of causes;

Whereas the death of an infant, child, teenager, or young adult of a family is considered to be one of the greatest tragedies that a parent or family will ever endure during a lifetime;

Whereas a supportive environment, empathy, and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CHILDREN'S MEMORIAL DAY.

The Senate—

(1) designates December 14, 2003, as ''National Children's Memorial Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe ''National Children's Memorial Day'' with appropriate ceremonies and activities in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died.

Mr. REID. Mr. President, I rise today to submit a resolution that would designate December 14, 2003 as ''National Children's Memorial Day.'' This resolution would set aside this day to remember all the children who die in the United States each year.

The Senate has passed a similar resolution for each of the past five years in order to ensure that families who have lost children know that their loved ones—and their grief—are not forgotten. Whether a child's death is sudden or anticipated, from illness or from accident, the grief of the families who loved them is unimaginable for all who have not shared their tragedy.

Today, we reaffirm that a child's death is a loss not only for one family, but for all of us, and we grieve together. By passing this resolution and sharing a day of remembrance, we can remind families who have lost children that they are not alone.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1267. Mr. ALLARD (for himself, Mr. NELSON, of Florida, Mr. CAMPBELL, and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill H.R. 2658 , making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1268. Mr. BINGAMAN (for himself, Mr. SPECTER, Mr. DASCHLE, Mr. BYRD, Mr. LEAHY, Mr. LEVIN, Mr. ROCKEFELLER, Mr. CORZINE, Mr. DURBIN, and Mr. CARPER) proposed an amendment to the bill H.R. 2658, supra.

SA 1269. Mr. DASCHLE (for himself, Mr. GRAHAM, of South Carolina, Mr. LEAHY, Mr. DEWINE, Mr. MILLER, Mr. SMITH, Mrs. CLINTON, and Ms. MIKULSKI) proposed an amendment to the bill H.R. 2658, supra.

SA 1270. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra.

SA 1271. Mrs. BOXER (for herself, Ms. LANDRIEU, and Mrs. MURRAY) proposed an amendment to the bill H.R. 2658, supra.

SA 1272. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1273. Mr. KENNEDY (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2658, supra.

SA 1274. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1275. Mr. CORZINE proposed an amendment to the bill H.R. 2658, supra.

TEXT OF AMENDMENTS

SA 1267. Mr. ALLARD (for himself, Mr. NELSON of Florida, Mr. CAMPBELL, and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title III under the heading ''MISSILE PROCUREMENT, AIR FORCE'', up to $10,000,000 may be used for assured access to space in addition to the amount available under such heading for the Evolved Expendable Launch Vehicle.

SA 1268. Mr. BINGAMAN (for himself, Mr. SPECTER, Mr. DASCHLE, Mr. BYRD, Mr. LEAHY, Mr. LEVIN, Mr. ROCKEFELLER, Mr. CORZINE, Mr. DURBIN, and Mr. CARPER) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. (a) REPORT ON INDIVIDUALS DETAINED AS ENEMY COMBATANTS BY UNITED STATES GOVERNMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the individuals being detained by the United States Government as enemy combatants.

(b) ELEMENTS.—Except as provided in subsection (c), the report under subsection (a) shall set forth the following:

(1) The name and nationality of each individual being detained by the United States Government as an enemy combatant.

(2) With respect to each such individual—

(A) a statement whether the United States Government intends to charge, repatriate, or release such individual; or

(B) if a determination has not been made whether to charge, repatriate, or release such individual, a description of the procedures (including the schedule) to be employed by the United States Government to determine whether to charge, repatriate, or release such individual.

(3) With respect to each such individual who the United States Government intends to charge, the schedule for the filing of the charges and the trial of such individual.

(c) CLASSIFICATION OF CERTAIN INDIVIDUALS.—(1) If the Secretary determines that the inclusion of an individual in the report under subsection (a) would harm the national security of the United States, the Secretary may include such individual in a classified annex.

(2) Determinations under paragraph (1) shall be made on a case-by-case basis.

(3) If the Secretary determines to omit one or more individuals from the unclassified form of the report, the Secretary shall include in the report an explanation of the omission of the individual or individuals.

(d) FORM.—The report under subsection (a) shall, to the maximum extent practicable, be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committees on Armed Services and the Judiciary and the Select Committee on Intelligence of the Senate; and

(B) the Committees on Armed Services and the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ''enemy combatant'' means—

(A) an individual held under the authority of the Military Order of November 13, 2001 (Volume 66, No. 222, pages 57833–57836 of the Federal Register); or

(B) an individual designated as an enemy combatant and held under other legal authority.

SA 1269. Mr. DASCHLE (for himself, Mr. GRAHAM of South Carolina, Mr. LEAHY, Mr. DEWINE, Mr. MILLER, Mr. SMITH, Mrs. CLINTON, and Ms. MIKULSKI) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place in the bill insert the following:

SEC. . IN RECOGNITION OF THE NATIONAL GUARD AND RESERVE'S CONTRIBUTIONS TO OUR NATIONAL SECURITY AND EXPRESSING STRONG SUPPORT FOR THE SENATE'S PREVIOUS BIPARTISAN VOTE TO PROVIDE THESE FORCES ACCESS TO TRICARE.

(a) FINDINGS.—The Senate makes the following findings:

(1) Forces in the U.S. National Guard and Reserve have made and continue to make essential and effective contributions to Operations Iraqi Freedom and other ongoing military operations;